

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer : ORDER  
2020 Demonstrations 20 Civ. 8924 (CM) (GWG)

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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

The Court issues this Order with respect to Docket ## 586, 638, 647, 658, at 661.

Whether there should be an award of fees under Fed. R. Civ. P. 37(a)(5)(A) turns on the question of whether the City at the meet and confer (or at some time afterwards and before Docket # 586 was filed) agreed to eliminate all redactions within produced documents except those relating to privilege, privacy (e.g., a phone number or social security number), or perhaps to comply with a previous order permitting redactions of certain disciplinary history.

Certainly, the City should have stated its position more clearly. Although it is a close question, the Court believes there is sufficient ambiguity as what the City was attempting to convey to plaintiffs before Docket # 586 was filed that an award of fees under Fed. R. Civ. P. 37(a)(5)(A) would not be just. In the future, the City should respond immediately and definitively to any attempts by plaintiffs to clarify the City's position on any discovery issue.

SO ORDERED.

Dated: New York, New York  
July 22, 2022

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge